

P.E.R.C. NO. 2014-60

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE OF NEW JERSEY,

Respondent,

-and-

Docket No. IA-2014-003

NEW JERSEY LAW ENFORCEMENT
SUPERVISORS ASSOCIATION,

Appellant.

SYNOPSIS

The Public Employment Relations Commission affirms an interest arbitration award establishing the terms of a successor agreement between the State of New Jersey and the New Jersey Law Enforcement Supervisors Association (NJLESA). NJLESA appealed the award, asserting that the arbitrator erred in accepting the State's scattergram and methodology to calculate salary increases. NJLESA also challenged the arbitrator's award of the State's proposal to modify the disciplinary clause's 45-day rule. The Commission finds that the arbitrator's use of the State's scattergram and decision not to credit the unit with the State's actual savings in the first two fiscal years of award is consistent with N.J.S.A. 34:13A-16.7(b) and the Commission's New Milford P.E.R.C. No. 2012-53, 38 NJPER 340 (¶116 2012) and Ramsey, P.E.R.C. No. 2013-6, 39 NJPER 96 (¶34 2012) decisions. The Commission holds that whether speculative or known, any changes in financial circumstances benefitting the employer or majority representative are not contemplated by the statute and should not be considered by the arbitrator. The Commission rejects the NJLESA's statutory preemption challenge to the arbitrator's 45-day rule modification because it was not filed according to the N.J.A.C. 19:16-5.5(c) timeline for scope of negotiations challenges during the interest arbitration process.

This synopsis is not part of the Commission decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commission.